IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 392 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHMAD SHARIF @ NAGINA BAFATI MANIYAR & 1 - Appellant(s)

Versus

STATE OF GUJARAT - Opponent(s)

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Appearance :

THROUGH JAIL for Petitioner No(s).: 1,2.

MS NITA C BANKER for Petitioner No(s).: 1,2.

MR. SP HASURKAR APP for Respondent No(s).: 1.

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CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date : 11/08/2005

ORAL JUDGMENT

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1. This appeal is preferred by both the appellants against the judgment and order delivered by Sessions

Judge, Surat on 14th February, 2002 in Sessions Case No. 145/1999 wherein both the appellants were accused no. 1 and 2. Both the appellants came to be convicted for the offence punishable under Section 393 of the Indian Penal Code and were sentenced to undergo rigorous imprisonment of four years while no fine was imposed. Both the appellants were also convicted for the offence punishable under Section 393 to read with Section 398 and were sentenced to undergo rigorous imprisonment of seven years and no fine was imposed. Both the appellants have preferred appeal through jail and learned Advocate Ms. Banker is appointed to represent the appellants. Learned APP Mr.Hasurkar on behalf of the State and learned advocate Ms. Banker for both the appellants were heard in this appeal.

2. Learned APP Mr. Hasurkar placed on record xerox copy of a letter dated 29th July, 2005 addressed to him by Inspector General Jails, Gujarat State, Ahmedabad providing information in statement form in respect of convict prisoners released from jail after fully serving the sentence awarded to respective convict prisoners. A xerox copy of statement containing seven columns is also placed on record by learned APP.

3. The above statement clearly shows that appellant-Mohd. Sharif alias Nagin Bakati is released from jail on 1st January, 2005 after serving sentence completely which was inflicted upon him in Sessions Case No. 145 of 1999. At serial no.13, it is also mentioned that appellant-Santosh Rajmani Dubey is also released from jail on 31st December, 2004 after serving sentence imposed on him fully in Sessions Case No.145 of 1999. Thus, from Serial Nos. 12 and 13 of the above said statement it transpires that both the appellants are served with the sentence imposed upon them and are released from jail long back.

4. In above view of matter, since both the appellants are served with the sentence inflicted upon them in pursuance of the judgment and order impugned in this appeal and released from jail accordingly, this appeal has now become infructuous and stands disposed of accordingly.

(J. R. Vora, J.)

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